

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/650,255	TUYL, RORY LYNN VAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michelle R. Connelly-Cushwa	2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment filed March 1, 2005.
2. ☒ The allowed claim(s) is/are 1,2 and 5-23.
3. ☒ The drawings filed on 27 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's Amendment filed March 1, 2005 has been fully considered and entered.

### ***Terminal Disclaimer***

The terminal disclaimer filed on March 1, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 10/325,198 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

Claims 1, 2 and 5-23 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art cited on form PTO-892, which was attached to the previous Office action, is the most relevant prior art known. However, the invention of claims 1, 2 and 5-23 distinguishes over the prior art of record for the following reasons.

Regarding claims 1, 2 and 5-9; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious a method of generating optical data encoded in a first format as defined in claim 1, the method comprising optically retiming the first optical data to reduce jitter associated with the first optical data such that the first optical data is converted to a second optical data encoded in the second format, wherein the second optical data has a second level of jitter, and wherein the second optical data represents the optical data

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encoded in the second format, inputting into an optical pulse stretcher the optical data encoded second format, and outputting from the optical pulse stretcher the optical data encoded in the first format, wherein the optical data encoded in the first format has a third level of jitter in combination with the other limitations of claim 1. Claims 2 and 5-9 depend from claim 1.

Regarding claims 10-17; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious a system as defined in claim 10, comprising the combination of an optical retiming device adapted to receive the first optical data and adapted to reduce jitter associated with the first optical data by converting the first optical data to a second optical data encoded in a second format, wherein the second optical data has a second level of jitter, wherein the optical retiming device outputs the second optical data, and an optical pulse stretcher adapted to receive the second optical data, adapted to convert the second optical data to a third optical data encoded in the first format, and adapted to output the third optical data encoded in the first format, wherein the third optical data has a third level of jitter in combination with the other limitations of claim 10. Claims 11-17 depend from claim 10.

Regarding claims 18-23; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious an optical pulse stretcher as defined in claim 18, comprising an optical retiming device adapted to receive optical data encoded in a first format and adapted to reduce jitter associated with the optical data by converting encoding to a second format,

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wherein the optical data encoded in the first format has a first level of jitter and optical data encoded in the second format has a second level of jitter, and means for converting the optical data encoded in the second format to optical data encoded in the first format, wherein the optical data encoded in the first format has a third level of jitter in combination with the other limitations of claim 18. Claims 19-23 depend from claim 18.

Hence, there is no reason or motivation for one of ordinary skill in the art to use the prior art of record to make the invention of claims 1, 2 and 5-23.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the merits of this communication should be directed to Examiner Michelle R. Connelly-Cushwa at telephone number (571) 272-2345. The examiner can normally be reached 9:00 AM to 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general or clerical nature should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562.

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*Michelle R. Connelly-Cushwa*

Michelle R. Connelly-Cushwa

Patent Examiner

March 16, 2005